

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DENNIS LOVELADY,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT et al.,

Defendants.

2:12-cv-01290-RCJ-PAL

ORDER

This case arises out of a police shooting. Pending before the Court is a Motion to Reconsider (ECF No. 24). For the reasons given herein, the Court denies the motion.

I. FACTS AND PROCEDURAL HISTORY

On July 18, 2010, Plaintiff Dennis Lovelady and non-party Chris McIntosh were involved in a fight, during which McIntosh was shot in the leg. (*See* Compl. ¶ 9, July 20, 2012, ECF No. 1, at 13). When the police arrived, they found Plaintiff outside his apartment with a gun in his right hand. (*Id.*). Although Plaintiff alleged he did not point the gun at the police, the police shot him. (*See id.*). In paragraphs 10–12, Plaintiff attempts to better explain the incident, but the allegations therein only make the incident more confusing. Plaintiff sued Defendants in state court for Fourth Amendment violations and several state law torts. Defendants removed.

After Plaintiff failed to comply with the magistrate judge's order to obtain substitute counsel or file a notice that he would proceed *in pro se*, or to respond to the magistrate judge's later order for Plaintiff to show cause why the case should not be dismissed for his failure to do

1 so, the magistrate judge recommended dismissal for failure to comply with the Court's orders
2 and failure to prosecute if he failed to obtain counsel or file a notice of his intention to proceed *in*
3 *pro se* before March 28, 2013. Plaintiff did neither—he only asked for more time to find
4 counsel, but the magistrate judge denied him additional time because he had already had over six
5 months to comply—and the Court adopted the report and recommendation, dismissing the case
6 in June 2013. Plaintiff has asked the Court to reconsider.

7 **II. ANALYSIS**

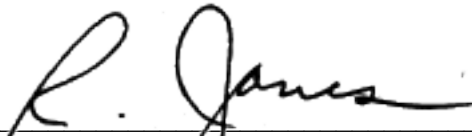
8 The Court denies the motion. Plaintiff presents no grounds for reconsideration. The
9 present motion is in substance simply an untimely notice that he wishes to proceed *in pro se*.
10 Plaintiff argues that he has no formal legal training and does not understand the legal process.
11 But no formal legal training was necessary to understand the magistrate judge's ultimatums.
12 Plaintiff simply gambled (and lost) that the Court would not dismiss if he continued to flout its
13 orders.

14 **CONCLUSION**

15 IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 24) is DENIED.

16 IT IS SO ORDERED.

17 Dated this 10th day of January, 2014.

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19 _____
20 ROBERT C. JONES
21 United States District Judge
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